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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,596	12/28/2000	Ravi Ganesan	3350-42	4822

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EXAMINER

HAMILTON, LALITA M

ART UNIT PAPER NUMBER

3691

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/749,596

Applicant(s)

GANESAN ET AL.

Examiner

Lalita M. Hamilton

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25,27-54,56 and 57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25,27-54,56 and 57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Summary

On August 11, 2006, an Office Action was disseminated in error citing the Eda reference (2002/0152162), instead of the Dutta reference. A new non-final action will follow.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-25,27-36,38-54,56 and 57 are rejected under 35 U.S.C. 102(e) as being anticipated by Dutta (2002/0073049).

Dutta discloses a method and corresponding system and article of manufacture for inspection-service-based release of escrowed payments comprising receiving an instruction from a purchaser, via a network, to effect an electronic escrow transaction associated with a sale, made via the network, of goods or services from a seller (p.1, 11 and p.4, 41); receiving via the network, a first notice associated with goods receipt or service performance wherein the first notice is received from the seller or shipping agent, and storing a log of at least one communication associated with the electronic escrow transaction including the instruction and an indication that the first notice has

Art Unit: 3691

been received, wherein at least one of the receiving, and storing steps is performed by a computer (p.3, 28-32); initiating a debit from an account associated with the purchaser, storing an indication of the initiation of the debit from the purchaser account, initiating a credit to an account associated with the seller, and storing an indication of the initiation of the credit to the seller account (p.3, 28-32); initiating a debit from an account associated with a processing agent and storing an indication of the initiation of the debit from the processing agent account (p.3, 28-32); initiating a credit to an account associated with the seller and storing an indication of the initiation of the credit to the seller account, wherein the credit to the seller account is a corresponding credit to the debit from the processing agent account (p.3, 28-32); transmitting a second notice, via the network, to the seller that funds from an account associated with the purchaser are available and that the seller should ship the goods to, or provide the service for, the purchaser, and storing an indication that the second notice has been transmitted to the seller (p.3, 28-32); the second notice is transmitted after a predetermined period, beginning at initiation of a debit to an account associated with a purchaser, has elapsed (p.3, 34 to p.4, 41); wherein receiving the first notice comprises receiving the first notice of one of (i) the goods having been shipped, or (ii) the services having been performed and transmitting a second notice, via the network, to the purchaser that the seller has one of (i) shipped the goods to the purchaser, or (ii) performed the services for the purchaser, and storing an indication that the second notice has been transmitted to the purchaser (p.3, 34 to p.4, 41); the first notice includes a delivery tracking number (p.3, 35); receiving the first notice comprises receiving the first notice of one of (i) the goods

Art Unit: 3691

having been received from the seller and being acceptable, or (ii) the services having been acceptably performed by the seller (p.3, 34 to p.4, 41); initiating a credit to an account associated with the seller and storing an indication of the initiation of the credit to the seller account, wherein the credit to the seller account is initiated subsequent to receiving the first notice (p.3, 28-32); receiving the first notice comprises receiving the first notice of one of (i) the goods having been shipped by the seller, or (ii) the services having been performed by the seller and initiating a credit to an account associated with the seller, and storing an indication of the initiation of the credit to the seller account, wherein the credit to the seller account is initiated after a predetermined period, beginning at receipt of the first notice (p.3, 28-32); receiving the first notice comprises receiving the first notice of one of (i) the goods having been received from the seller and being unacceptable; (ii) the goods having not been received from the seller, (iii) the services having not been acceptably performed by the seller, or (iv) the services having not been performed by the seller (p.3, 34 to p.4, 41); the first notice includes a notice to suspend a pending credit to an account associated with the seller (p.3, 34 to p.4, 41); first notice includes a notice to reverse a debit to an account associated with the purchaser (p.3, 34 to p.4, 41); receiving, via the network, a first second notice that the goods have been returned shipped to the seller, storing an indication that the first second notice has been received, transmitting to the seller, via the network, a third notice that the goods have been returned shipped from the purchaser, and storing an indication that the third notice has been transmitted to the seller, wherein the first second notice is received from at least one of (i) the purchaser, or (ii) a shipping agent

Art Unit: 3691

(p.3, 34 to p.4, 41); the second notice includes a delivery tracking number (p.3, 35); receiving, via the network, a third fourth notice that the goods have been received by the seller and storing an indication that the third fourth notice has been received, wherein the third fourth notice is received from at least one of (i) the seller, or (ii) the shipping agent (p.3, 34 to p.4, 41); initiating a credit to an account associated with the purchaser and storing an indication of the initiation of the credit to the purchaser account, wherein the credit to the purchaser account is initiated after least one of (i) upon receipt of the first notice, via the network from at least one of the seller or a shipping agent, that the goods have been delivered to the seller, or (ii) after a predetermined period, beginning at a notification to the seller that the purchaser has shipped the goods to the seller, has elapsed (p.3, 34 to p.4, 41); the goods or services are goods or services purchased from an Internet auction (p.3, 34); initiating a debit from an account associated with the purchaser, initiating a credit to an escrow account associated with a processing agent, initiating a debit to the escrow account associated with the processing agent, initiating a credit to an account associated with the seller, storing an indication of the initiation of the debit to the purchaser account, and storing an indication of the initiation of the credit to the seller account (p.3, 34 to p.4, 41); the credit to the escrow account is a corresponding credit to the debit from the purchaser account (p.3, 34 to p.4, 41); the credit to the seller account is a corresponding credit to the debit from the escrow account (p.3, 34 to p.4, 41); receiving the instruction via a web page generated subsequent to the purchaser selecting a hyper-link presented to the purchaser by an Internet web site selling goods or services, wherein the web page

Art Unit: 3691

presented to the purchaser includes details of the sale (p.3, 34); the stored logged communications include an indication of the date and time each communication is received or transmitted (p.4, 41); retrieving any of the logged and stored communications (p.4, 41); wherein receiving the first notice comprises receiving, from the shipping agent, the first notice that goods have been delivered to the purchaser and wherein the method receiving, from the purchaser, a second notice that the delivered goods are acceptable, storing an indication that the second notice has been received, and initiating a credit to an account associated with the seller (p.3, 34 to p.4, 41); and the credit to the account associated with the seller is initiated after at least one of (i) a predetermined period, beginning upon receipt of the first notice, has elapsed, or (ii) receipt of the second notice (p.3, 34 to p.4, 41).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kalinowski Alexander can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3691

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Lalita M. Hamilton
Primary Examiner, 3691